



Case 1:13-cv-00556-A

EXHIBIT A

RE: CIVIL ENDOCRINE, FACTS

CIVIL STATUTES OF THE STATE OF TEXAS ANNOTATED, TITLE 5

STATUTES - RE: CIVIL ENDOCRINE

THE COMMISSIONERS COURT SHALL PROVIDE SAFE SUTABLE JAILS FOR RESPECTIVE COUNTIES AND SHALL CAUSE THE SAME TO BE MAINTAINED IN GOOD SANITARY CONDITION AND TO BE, PROPERLY VENTILATED, HEATED AND LIGHTED. STRUCTURES SHALL BE FIRE RESISTANT AND KEPT IN GOOD REPAIR. FURTHERMORE THEY SHALL CAUSE THE JAILS IN THEIR RESPECTIVE COUNTIES TO BE KEPT IN A CLEAN, HEALTHY CONDITION, PROVIDED WITH WATER OF SAFE QUANTITY AND IN THE DRYEST AND SEWER SYSTEMS FEASIBLE IN ACCORDANCE WITH GOOD SANITARY STANDARDS, AND PROVIDED WITH CLEAN, CONTAINERS FOR THE DISPOSAL OF WASTE SUFFICIENT FOR THE COMFORT OF THE PRISONERS, AND THAT FOOD IS PREPARED AND SERVED IN A PROPER AND SANITARY MANNER AND ACCORDING TO GOOD DIETARY PRACTICES AND OF A QUANTITY SUFFICIENT TO MAINTAIN GOOD HEALTH. SUCH JAILS SHALL COMPLY WITH THE PROVISIONS OF THIS ACT AND WITH THE RULES AND PROCEEDINGS OF THE COMMISSION ON JAIL STANDARDS.

COUNTY COMMISSIONERS ARE ULTIMATELY RESPONSIBLE FOR NOT PROVIDING FOR PRISONERS BEDDING NEEDS WHILE IN A HOLDING CELL OVERNIGHT(S).

FILED-PATSY PEREZ
CLERK OF COUNTY &
DISTRICT COURT
BY
13 DEC 13 AM 9:45
DPT

EXHIBIT C

RESTORABLE SCHEDULING PAGE

TEXAS COMMISSION ON JAIL STANDARDS

255.138 Holding Cells - One or more Holding Cells shall be provided to hold inmates pending intake, processing, release, or other reason for temporary housing. Inmates shall not be held for more than 48 hours.

Persons held in the holding cells of this Nueces County Jail are typically held there for a minimum of 72 hours, before being relocated to either 4R or the Annex. If made to remain at the main Jail, chances are more than good that you will be housed / held in 4R (a unit of 2 men cells where I was made to remain another 7 days before finally being integrated into general population).

EXHIBIT C

ADDITIONAL SUPPORTING FACTS

TAKEN FROM AN INTERVIEW BY CALIFORNIA TIMES REPORTER KATHARINE ROSENBERG (CITED - KAPRANT/ROSENBERG 2013) AND SHERIFF (NUCES COUNTY) JIM KAEUW.

"JAIL HAS REACHED CRITICAL MASSES AND SHERIFF JIM KAEUW WAKES UP AND CHECKS THE NUMBER OF INMATES HOUSED IN JAIL. ON MONDAY, 1262 OF 1068 BEDS WERE SPORKS FOR BY FRIDAY, THAT NUMBER HAD DROPPED TO 1006 OR 94 PERCENT CAPACITY."

THESE FIGURES INCLUDE PEOPLE DETAINED IN THE HOLDING CELLS BECAUSE BY STATE JAIL CODES, THE SHERIFF MUST HAVE A BED FOR EVERYONE BEING HELD IN CASE THEY DON'T MAKE BAIL.

SHERIFF JIM KAEUW OF THE NUCES COUNTY SHERIFFS DEPARTMENT IS FULLY AWARE OF THE STATE MANDATE REQUIRING TERTIARY AND ALL HAVE BEDDING AND LINENS IF DETAINED OVERNIGHT IN HOLDING CELLS OR OTHER.

ADDITIONAL SUPPORTING FACTS

TEXAS JURY (PAYMENT TO PLEADINGS 3D E)

#58 PENAL AND CORRECTIONAL INSTITUTIONS

PRETRIAL DETAINEES - ACTIONS OR INACTIONS RELATED TO PRETRIAL DETAINEES IS CONSIDERED "PUNISHMENT" UNLESS IT IS REASONABLY RELATED TO GOVERNMENT OBJECTIVES.

#71 OFFENSES AGAINST INMATES

IT IS AN OFFENSE, FOR A JAILOR, GUARD OR PEACE OFFICER EMPLOYED BY LOCAL PENAL FACILITY OR BY THE DEPARTMENT OF CORRECTIONS TO INTENTIONALLY SUBJECT A PERSON IN CUSTODY IN THE EXERCISE OF ANY RIGHT, PRIVILEGE OR IMMUNITY, KNOWING THAT TO DO SO IS UNLAWFUL.

FROM BLACK'S LAW DICTIONARY

ADDITIONAL SUPPORTING STATEMENT

FRAUD IS INTENTIONAL PERVASION OF THE TRUTH FOR THE PURPOSE OF INDUCING ANOTHER IN RELIANCE UPON IT TO PART WITH SOME VALUABLE THING BELONGING TO HIM OR SURRENDER A LEGAL RIGHT. A FALSE REPRESENTATION OF A MATTER OF FACT... BY FALSE OR MISLEADING ALLEGATIONS OR BY CONCEALMENT OF THAT WHICH SHOULD HAVE BEEN DISCLOSED, WHICH DECEIVES AND IS INTENDED TO DECEIVE ANOTHER SO THAT HE SHALL ACT UPON IT TO HIS LEGAL INJURY. 'BAD FAITH' AND FRAUD ARE SYNONYMOUS. IT COMPOSES ALL ACTS, OMISSIONS AND CONCEALMENTS INVOLVING A BREACH OF A LEGAL OR EQUITABLE DUTY AND RESULTING IN DAMAGE TO ANOTHER. ANY TRICK OR ARTIFICE EMPLOYED BY ONE PERSON TO INDUCE ANOTHER TO FALL INTO ERROR OR LISTEN HIM IN IT, SO THAT HE MAY MAKE AN AGREEMENT CONTRARY TO HIS INTEREST. THE FRAUD MAY MAKE AN AGREEMENT CONTRARY TO HIS INTEREST. THE FRAUD MAY CONSIST IN MISREPRESENTATION, OR CONCEALMENT OF MATERIAL FACTS. FRAUD, FORCE AND VEXATION ARE OBVIOUS IN LAW. TO VIOLATE PRIVACY OR PUBLIC CONFIDENCE OR TO INFLAME OR INJURE THE PUBLIC INTEREST IS DEEMED EQUALLY REPREHENSIBLE WITH POSITIVE FRAUD AGAINST PUBLIC POLICY.

THE DEFINITION STATED ABOVE IN WHOLE IS WHAT NEECES COUNTY IS GUILTY OF. SO SAYS MYSELF JAMES WILKINS, PLAINTIFF, SO SAYS THE PROOF IN MY POSSESSION.

EXHIBIT 1

ADDITIONAL SUPPORTING FACTS

TAKEN FROM BLACKS LAW DICTIONARY

TRESPASS: AN UNLAWFUL INTERFERENCE WITH ONE'S PROPERTY OR RIGHTS

DEPRIVATION: A TAKING AWAY OR CONFISCATION; AS THE DEPRIVATION OF A CONSTITUTIONAL RIGHT OR TAKING OF PROPERTY UNDER IMMINENT DOMAIN WITHOUT DUE PROCESS.

(NUCCES COUNTY OFTEN SUBJECTED A PERSON TO CONFINEMENT WITHOUT PRESENTING A WRITTEN REASON OF THE INFRACTION ALLEGED). 20.06 OF THE NUCCES COUNTY JAIL HANDBOOK CLEARLY STATES THAT "DISCIPLINARY ACTION WILL NEVER BE IMPOSED WITHOUT A SIGNED WAIVER OR A DISCIPLINARY HEARING". I HAVE BEEN SUBJECTED TO CLOSE CONFINEMENT AS A RESULT OF SOMETHING THAT HAPPENED AS A RESULT OF OTHERS IN THE SAME DORM. ALL WERE PUNISHED EQUALLY. NO MOVEMENT, LOSS OF PRIVILEGES. ANOTHER OCCASION I WAS IN THE POSSESSION OF A TORN COUNTY ISSUED TOWEL, AND WOULD HAVE SERVED IMMEDIATE TIME IN LOCKDOWN, BUT NO SPACE WAS AVAILABLE.

WHEN ASKED WHY I AM NOT AFFORDED DUE PROCESS, (VIA INMATE HANDBOOK RULE 20.06) I WAS GIVEN THE FOLLOWING RESPONSES FROM SGT. ARISMENDEZ, "AS PER STANDARD OPERATING PROCEDURES 3.14.05 INMATES ARE ISSUED BEDDING TOWEL & UNIFORM ONCE THEY HAVE BEEN DRESSED INTO THE COUNTY UNIFORM. AFTER YOU WERE DRESSED INTO THE UNIFORM YOU WERE TRANSFERRED TO UNIT 15N WHERE YOU WERE ISSUED THE ITEMS ABOVE UPON ARRIVING TO THE ANNEX."

EXHIBIT C ADDITIONAL SUPPORTING FACTS

LISTED BELOW ARE THE ACCURATE AND MODIFIED VERSIONS OF CHAPTER 277.8 BEDDING AND LINENS, FROM THE TEXAS COMMISSION ON JAIL STANDARDS.

ACCURATE VERSION A STANDARD ISSUE OF BEDDING AND LINENS TO EACH INMATE TO BE OVERNIGHT SHALL INCLUDE BUT SHALL NOT BE LIMITED TO THE FOLLOWING: CLEAN, SAFE, AND SERVICEABLE ITEMS. (1) ONE MATTRESS (2) ONE SHEET OR MATTRESS COVER (3) ONE TOWEL (4) ONE BLANKET, OR MORE DEPENDING UPON CLIMATIC CONDITIONS.

AGAIN THE ABOVE IS THE VERSION THAT I DIRECTLY COPIED OUT OF THE TEXAS COMMISSION ON JAIL STANDARDS "RULE BOOK". IT IS ALSO THE EXACT SAME REMAINING AS THE ON LINE VERSION.

THE VERSION BELOW IS THE ONE THAT SOMEONE OF THE COUNTY, OR RELATED TRIED TO HAVE ME BELIEVE AS FACT.

MODIFIED VERSION A STANDARD ISSUE OF BEDDING AND LINENS TO EACH INMATE TO BE DETAINED OVERNIGHT PLACED IN HOUSING SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO THE FOLLOWING: CLEAN, SAFE, AND SERVICEABLE ITEMS. INMATES DETAINED IN HOLDING/DETENTION CALLS SHOULD RECEIVE THE FOLLOWING ITEMS: (1) ONE MATTRESS (2) ONE SHEET OR MATTRESS COVER (3) ONE TOWEL (4) ONE BLANKET, OR MORE DEPENDING UPON CLIMATIC CONDITIONS.

(I HAVE IN MY POSSESSION THE ORIGINAL, YET FORGEMAN RELING DECLARED IT READY TO PRESENT TO A JURY AS A MATTER OF FACT).